

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

STEVEN BATES

CIVIL ACTION NO. 11-cv-1695

VERSUS

JUDGE STAGG

BROOKSHIRE GROCERY CO.

MAGISTRATE JUDGE HORNSBY

MEMORANDUM ORDER

Brookshire Grocery Company removed this case based on an assertion of diversity jurisdiction, so it bears the burden of articulating facts to establish diversity of citizenship. It alleges that plaintiff Steven Bates is domiciled in Louisiana, which is an adequate allegation with respect to that party. Brookshire describes itself, however, as “a foreign corporation with its principal place of business in the State of Texas.” That is not adequate because it does not allege with specificity the state in which Brookshire is incorporated.

To establish diversity jurisdiction, a complaint or notice of removal must set forth “with specificity” a corporate party’s state of incorporation and its principal place of business. “Where the plaintiff [or removing party] fails to state the place of incorporation or the principal place of business of a corporate party, the pleadings are inadequate to establish diversity.” Joiner v. Diamond M Drilling Co., 677 F.2d 1035, 1039 (5th Cir. 1982).

Brookshire will be allowed until **November 14, 2011** to file an Amended Notice of Removal that alleges its citizenship with specificity. If it does so and establishes diversity

jurisdiction, a scheduling conference will be set promptly. If not, the case will be subject to remand for lack of subject-matter jurisdiction.

THUS DONE AND SIGNED in Shreveport, Louisiana, this 4th day of November, 2011.



MARK L. HORNSBY
UNITED STATES MAGISTRATE JUDGE